

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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FILED: 8/8/08

THE NEW YORK DISTRICT COUNCIL OF
CARPENTERS PENSION FUND, *et al.*,

Plaintiffs,

-v-

KW CONSTRUCTION, INC., *et al.*,

Defendants.

No. 07 Civ. 8008 (RJS)
ORDER

RICHARD J. SULLIVAN, District Judge:

The Court hereby adopts the following Amended Case Management Plan and Scheduling Order in accordance with Rules 16-26(f) of the Federal Rules of Civil Procedure.

1. All parties do not consent to disposition of this case by a Magistrate Judge, pursuant to 28 U.S.C. § 636(c).
2. This case is not to be tried to a jury.
3. No additional parties may be joined except with leave of the Court.
4. Amended pleadings may not be filed except with leave of the Court.
5. Initial disclosures pursuant to Rule 26(a)(1) will be completed not later than August 15, 2008.
6. All *fact* discovery is to be completed no later than December 19, 2008.

7. The parties are to conduct discovery in accordance with the Federal Rules of Civil Procedure and the Local Rules of the Southern District of New York. The following interim deadlines may be extended by the parties on consent without application to the Court, provided the parties meet the fact discovery completion date in ¶ 6 above:
 - a. Initial requests for production of documents to be served by August 22, 2008.
 - b. Interrogatories to be served by August 22, 2008.
 - c. Depositions to be completed by November 14, 2008.
 - i. Unless the parties agree or the Court so orders, depositions are not to be held until all parties have responded to initial requests for document production.
 - ii. There is no priority in deposition by reason of a party's status as plaintiff or defendant.
 - iii. Unless the parties agree or the Court so orders, non-party depositions shall follow initial party depositions.
 - d. Requests to Admit to be served no later than November 28, 2008.
8. All *expert* disclosures, including reports, production of underlying documents and depositions are to be completed by:
 - a. Expert(s) of Plaintiff(s) - January 15, 2009.
 - b. Expert(s) of Defendant(s) - January 15, 2009.
9. All discovery is to be completed no later than January 15, 2009.
10. The Court will schedule a post-discovery status conference (see ¶ 16) within three weeks of the close of all discovery.
11. Pre-motion letters regarding dispositive motions, if any, are to be submitted by January 7, 2009. In accord with this Court's Individual Rule 2.A, response letters thereto are to be submitted by January 10, 2009.
12. All counsel must meet for at least one hour to discuss settlement not later than two weeks following the close of fact discovery. Accordingly, Counsel for the parties have discussed holding a settlement conference before a Magistrate Judge or the Southern District's Mediation Program and request: [check one]
 - a. X Referral to a Magistrate Judge for settlement discussions.
Magistrate Judge Freeman shall reach out to the parties by December 8,

2008.

b. _____ Referral to the Southern District's Mediation Program

13. The parties shall submit a Joint Pretrial Order prepared in accordance with the undersigned's Individual Practice Rule 3 and Rule 26(a)(3).

14. Parties have conferred and their present best estimate of the length of trial is two weeks.


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TO BE COMPLETED BY THE COURT:

15. [Other directions to the parties:]

16. The post-discovery status conference is scheduled for Wednesday, January 22, 2009 at 11:30 a.m.

SO ORDERED.

DATED: New York, New York
August 7, 2008



RICHARD J. SULLIVAN
UNITED STATES DISTRICT JUDGE